

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO.28999 OF 1997

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Between:

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B.Venkata Ramana

.....Petitioner

Vs.

1. A.P.State Road Transport Corporation & two others

.....Respondents.

Dt.30.08.2005

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ORDER:

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In the present writ petition, the action of respondents 2 and 3 in regularizing the services of the petitioner only from 01.08.1990 is questioned as being illegal and contrary to law and a direction is sought for regularization of his services from the date of his initial appointment on 16.07.1986.

The facts, to the extent relevant for the purpose of this writ petition, are that the petitioner worked in the first respondent-Corporation during 'Work to Rule' agitation in 1983. Though he was selected by the Selection Committee on 30.01.1986, his services were dis-engaged shortly thereafter and he was subsequently issued appointment orders on 21.07.1986 with effect from 16.07.1986. It is the case of the petitioner that since he had been working continuously from 16.07.1986 and the Corporation had regularized the services of all persons who had worked for more than 240 days, his services ought to have been regularized with effect from 16.07.1986, instead of 01.08.1990. It is contended that despite a representation being submitted by him, no action has been taken by the respondents to regularize

his services from the date of his initial appointment. It is also stated that services of several other employees were regularized on completing 240 days and that action of the respondents in not regularizing the services of the petitioner, on par with other employees, is arbitrary and discriminative.

A counter affidavit is filed by the respondents wherein it is specifically stated that the services of the petitioner were regularized as per his seniority and subject to availability of vacancies as on that date. It is stated that no juniors to the petitioner were regularized overlooking the seniority of the petitioner and his services were regularized in accordance with his seniority and availability of vacancies.

Learned Standing Counsel for the respondents places reliance on “***DIVISIONAL MANAGER, A.P.S.R.T.C AND OTHERS VS. P.LAKSHMOJIRAO AND OTHERS***” wherein the Supreme Court held that if regularization has to take place in a phased manner subject to availability of vacancies, etc., the question of according regular status to employees right from the date of initial appointment on daily wages did not arise, while there was no legal right for employees to get the status of regular employees right from the date of their initial appointment on daily-wage basis, if any person junior to them in the seniority list of the concerned Division/Region, had got the benefit of seniority and regularization, or, were entitled to get the same by virtue of judgments that had become final, then persons who were seniors to them, should be given the same benefit on the same principle.

Except stating that the services of several other employees, who had completed 240 days of service, had been regularized from the date of their initial appointment, no particulars are furnished regarding the names of such persons, the posts held by them and the places at which they are employed. In the counter affidavit, it is specifically stated that no person, juniors to the petitioner, was regularized overlooking the seniority of the petitioner.

However, Sri A.K.Jaya Prakash Rao, learned counsel for the petitioner, on instructions, would submit that three persons juniors to the petitioner were regularized overlooking his seniority in the Division/Region. Learned counsel would further submit that since the counter affidavit was served only a day ago, the petitioner should be given the opportunity of furnishing the names of these persons by way of a reply affidavit. The writ petition is of the year 1997 and in case there were three persons juniors to the petitioner, whose services were regularized overlooking his seniority, their names should have been specifically mentioned in the affidavit filed in support of the writ petition itself. Eight years have elapsed since then, I do not see any justification in granting further time, at this stage, to the petitioner to furnish details of the names of persons juniors to him, whose services were regularized prior to the date on which his services were regularized..

I therefore consider it appropriate to dispose of the writ petition granting liberty to the petitioner to submit a detailed representation giving the names and details of persons juniors to him in the Division/Region, whose services were regularized overlooking the seniority of the petitioner. The petitioner is permitted to submit his representation within two weeks from the date of receipt of a copy of this order. On submission of such a representation, the respondents herein shall examine the matter and take action in accordance with law, within a period of two months thereafter.

The writ petition is accordingly disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN J.,

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Dt. 30.08.2005

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